

## REMARKS

Initially, Applicants would like to thank Examiner Bausch for her time in conducting the telephone interview March 29, 2006.

1. Rejection of Claims 56-75 under 35 U.S.C. 112, first paragraph.

Claims 56-75 were rejected under 35 U.S.C. 112, first paragraph for the reasons of record. Specifically, the Examiner argued that the recitation of Claim 56 "wherein a positive signal is generated only when two or more components are co-localized, thus allowing detection without removal of unreacted probes." is not supported by the specification.

As discussed during the interview, Applicant argues that the recited language is supported by the specification on page 19 in the paragraphs starting at line 3 and line 10 (numbered paragraphs 0113 and 0114 in the published application) and by the paragraph on page 21, starting at line 17 (numbered paragraph 0122 in the published application).

Applicant further notes that Claim 56 is amended herein to remove the recitation "without removal of unreacted probes".

In view of the foregoing amendments and support, Applicant respectfully requests withdrawal of the Examiner's rejection of Claims 56-75 under 35 U.S.C. 112, first paragraph.

2. Rejection of Claims 56-75 under 35 U.S.C. 112, second paragraph.

Claims 56-75 were rejected under 35 U.S.C. 112, second paragraph for the reasons of record. Specifically, the Examiner noted that in Claim 56 the method recited in the preamble is inconsistent with the language recited in the final step.

Applicant has amended the claim as suggested by the Examiner.

In view of the foregoing amendments and support, Applicant respectfully requests withdrawal of the Examiner's rejection of Claims 56-75 under 35 U.S.C. 112, second paragraph.

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3. Rejection of Claims 56-75 under 35 U.S.C. 103(a)

Claims 56-75 were rejected under 35 U.S.C. 103(a) as unpatentable over Kigawa et al. in view of Nolan et al. for the reasons of record.

As discussed extensively in the telephone interview of March 29, 2006, it is the Applicant's position that MutS is known to have very specific requirements for mismatch binding in duplex DNA and there was no reasonable expectation of success with triplex or quadruplex structures. As further discussed, Applicant has attached a Declaration under 37 C.F.R. 1.132 and supporting references that teach the unpredictability of MutS.

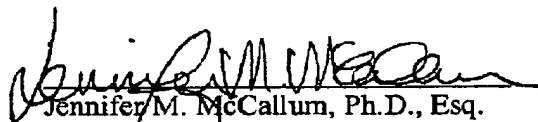
In view of the foregoing and the attached Declaration and references, Applicant respectfully requests withdrawal of the Examiner's rejection of Claims 56-75 under 35 U.S.C. 103(a).

In view of the foregoing amendments, Applicant respectfully contends that all claims are in a condition for allowance. In the event the Examiner has any questions regarding the Applicant's position, a telephone call to the undersigned representative is requested.

A credit card payment form authorizing the charge of \$225.00 for a two-month extension of is attached herewith. It is believed that no additional fee is currently due. In the event that an additional fee is deemed necessary or overpayment due in connection with this response, the undersigned authorizes the charge to be applied to Deposit Account No. 50-2679.

Respectfully Submitted,

May 1, 2006  
Date

  
Jennifer M. McCallum, Ph.D., Esq.  
Registration No. 52,492  
The McCallum Law Firm, LLC.  
685 Briggs Street  
P.O. Box 929  
Erie, Colorado 80516  
Telephone: 303.828.0655  
Facsimile: 303.828.2938

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